

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

MAILED

UNITED STATES PATENT AND TRADEMARK OFFICE

[MAY 30 2002]

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS D. TAGGART

Appeal No. 2002-1063
Application No. 09/306,552

ORDER REMANDING TO EXAMINER

On May 21, 2001, appellant submitted an amendment (Paper No. 9) which requested cancellation of claim 18 and the addition of claim 35. According to the Office communication mailed May 31, 2001 (Paper No. 10), "[t]he proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees." It should be noted that a timely Notice of Appeal and Appeal Brief were filed. However, a review of the record indicates the amendment was not entered.

In addition, the "Grouping of Claims" appearing on page 3 of the Examiner's Answer mailed December 18, 2001 (Paper No. 15) states:

Appellant's brief includes a statement that claims 1-19 and 21 are rejected. The grouping of the claims are: claims 1-12, 15, 16, 19, and 21 stand or fall together; claims 13 and 14 stand or fall together; claim 17 stands or falls together; and claim 35 stands or falls together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

The Examiner's Answer fails to specifically address the rejection of claim 35. Correction is required.

Accordingly, it is

ORDERED that the application is remanded to the examiner:

1. for entry of the amendment filed May 21, 2001 (Paper No. 9);
2. for clarification regarding the ground of rejection for claim 35; and
3. for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the

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status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
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By:

A handwritten signature in black ink, appearing to read 'D. Shaw', written over a horizontal line.

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DS:psb

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